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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Government,

02 Cr 1584 (RMB)

- against -

ORDER

LOUIS DAIDONE,

Defendant.
-----X

In light of, among other things, Mr. Daidone's petition filed on or about March 14, 2008 pursuant to 28 U.S.C. § 2255 seeking to vacate, set aside, or correct his June 29, 2004 sentence for reasons of alleged ineffective assistance of counsel, i.e., including Mr. Lombardino; and Mr. Lombardino's Affidavit, dated December 10, 2008, in which Mr. Lombardino conceded that his "trial representation of Mr. Daidone relative to the 5K1.1 letter on behalf of D'Arco, constituted ineffective assistance of counsel"¹, the Court believes that it is inappropriate for Mr. Lombardino to make any applications on behalf of Mr. Daidone as he does in his attached letter to the Court, dated August 3, 2018.

At such time as any proposed motion is submitted to the Clerk of Court by Mr. Daidone, the Court will solicit a response from the Government. The Court takes no position with respect to the merits of the proposed motion on behalf of Mr. Daidone presented by Mr. Lombardino.

Dated: New York, New York
August 8, 2018



RICHARD M. BERMAN, U.S.D.J.

¹The March 14, 2008 petition was denied by the Court by Decision and Order dated August 24, 2009.

Lombardino & Nektalov
Attorneys at Law

Attachment

101-05 Lefferts Boulevard
Richmond Hill, New York 11419

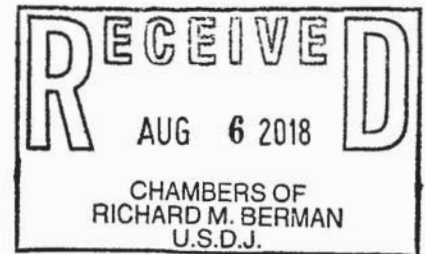
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Anthony V. Lombardino, Esq.
Boris R. Nektalov, Esq.

August 3, 2018

Honorable Richard. M. Berman
United States District Judge
500 Pearl Street
New York, New York 10007-1312

Re: United States of America v. Louis Daidone
02 CR 01584



Dear Judge Berman:

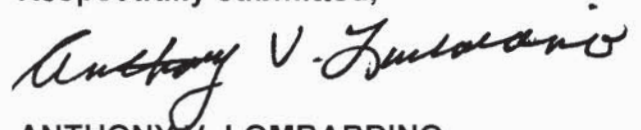
Please permit this correspondence to act as my application wherein I am respectfully requesting that your assign counsel to assist Louis Daidone in his upcoming motion.

In January 2004 you Honor presided over the trial of my client Louis Daidone who was thereafter convicted and sentenced by you on June 29, 2004, to a term of imprisonment of life without parole. The defendant has been incarcerated for about 15 years and is without funds to retain counsel relative to this motion. I have been informed by the Federal Defenders of New York that they are unable to represent my client unless you assign an attorney to assist him in the preparation of the motion. I am enclosing herein a copy of the communication wherein the Federal Defenders panel has advised me that an assignment is required by your Honor before they are able to assist Mr. Daidone. Therefore, at this time, in the interest of fairness and the interest of justice I am respectfully requesting that you Honor assign the Federal Defenders to represent my client in perfecting a motion pursuant to 2255.

I am also enclosing a copy of the defendant's proposed motion which is based upon the failure of the prosecution to turn over certain prior testimony and certain 302's of the witness that they produced at the trial, one Frank Gioia. In addition upon information and belief we have been informed that Gioia might have been committing crimes while in the witness protection program and if this be the case the defendant was certainly entitled to know that. Therefore, I again

respectfully plead with your Honor to assign the Federal Defenders Panel to assist Daidone as required by the Defenders Panel.

Respectfully submitted,

A handwritten signature in black ink, reading "Anthony V. Lombardino". The signature is written in a cursive, flowing style with a large initial 'A' and a prominent 'V'.

ANTHONY V. LOMBARDINO